



July 31, 2024

Sydney Rogalla
Policy & Legislative Affairs Division
Washington Office of the Insurance Commissioner
P.O. Box 40260
Olympia, WA 98504-0260
Submitted via email to: rulescoordinator@oic.wa.gov

Re: Comments relating to prepublication of SSB 5986 and updates to the Balance Billing Protection Act

Dear Ms. Rogalla,

The Association of Washington Healthcare Plans (AWHP) appreciates the opportunity to review and provide feedback on the pre-publication draft relating to implementation of SSB 5986 and updates to the Balance Billing Protection Act. AWHP greatly appreciates the continued partnership with the Office of Insurance Commissioner on this topic, especially the important implementation conversations taking place in the Ground Ambulance Advisory Group with ground ambulance services organizations (GASOs) and local government entities (LGEs).

As has been communicated during workgroup sessions, carriers have significant concerns about the complexity of the reimbursement requirements contemplated in this rulemaking. Carriers continue to advocate for reimbursement models that allow system programming to support auto-adjudication. These concerns are being echoed internally when discussing the complicated supports needed to meet the January 1, 2025, deadline. AWHP greatly appreciates OIC's hard work on circulating updated Consumer Notice Templates and is aware of the ongoing work being done to build out the publicly accessible database of locally contracted rates. Unfortunately, in many ways, carriers can only do so much to design a payment process when the locally contracted rates are still being collected, and when the locally contracted rates dictate the appropriate allowed amount where they have been filed.

Some of these concerns could be addressed if OIC were to provide clarity around expectations to provide reimbursement for ground ambulance services provided outside of a GASO's typical area of contracted services, under memorandums of understanding (MOUs) or similar agreements solely filed between GASOs. Currently, as drafted, these obligations are not explicit in the regulation. Rate setting between GASOs and LGEs appears to involve complex, multi-factor dependencies with no clear pathway for carriers to decipher which rates will apply when services are rendered to a customer. Carriers are unlikely to be able to systemically manage different payment rates for the same ground ambulance provider unless such detail is both a) provided in advance; and b) can be matched to claim-level data. Likewise, rate differentials for non-residents adds yet another layer of complexity for carriers to navigate. It is unclear to

carriers how such information will be included in encounter data or on a CMS-1500 and if a solution cannot be identified to simplify reimbursement to GASOs it will result in manual claim interventions. Any reimbursement model that requires manual intervention to process claims adds to administrative cost and may translate to premium increases previously unaccounted for in legislative conversations.

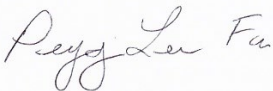
These nuanced rate differentials and the complicated mechanisms needed to adjudicate claims were not considered in SSB 5986, and carriers are hoping for prescriptive guidance on how to navigate these situations before they arise starting January 1, 2025. If OIC is not expecting to address them in regulation, then guidance or technical assistance could help carriers meet the regulatory expectations. Carriers support as simplified of an approach as possible to ensure accurate and satisfactory payment to ground ambulance service providers.

AWHP appreciates the OIC addressing the issue of advance notice of rate changes in the pre-publication draft and is supportive of the requirements as detailed in proposed WAC 284-43B-027(3). AWHP seeks clarification on the advance notice period and recommends using business days for this requirement.

While guidance can help prevent incorrect reimbursements, OIC should also give consideration as to how GASOs and carriers should resolve reimbursement disputes.

We appreciate your consideration of our comments and our continued collaboration as the OIC works on this key area of health care. Please do not hesitate to contact me with any questions or to discuss further.

Sincerely,



Peggi Lewis Fu
Executive Director
Association of Washington Healthcare Plans